

APS-142

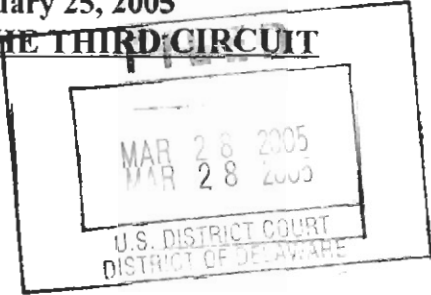
February 25, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 04-4710

RONALD JOHNSON

VS.



UNITED STATES PROBATION OFFICE OF WILMINGTON DELAWARE

(D. Del. Civ. No. 04-cv-01444) *KAJ*

Present: SLOVITER, NYGAARD AND FUENTES, CIRCUIT JUDGES

Submitted are:

- (1) Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
- (2) Appellee's motion for summary affirmance; and
- (3) Appellant's document titled "Motion for stay or to defer any ruling on Local Rule of Appellate Procedure 27.4 and Chapter 10.6, motion for appointment of counsel, objection to appellee's motion for summary affirmance, motion for discovery pursuant to the Jencks Act, motion for oral argument, motion for conference hearing, motion for remanding of case back to the District Court for further proceeding and numerous administrative notice"

in the above-captioned case.

Respectfully,

Marion M. Walden

Clerk

MMW/AJM/mc/dmm
(continued)

Re: RONALD JOHNSON

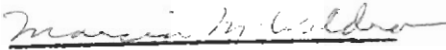
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ORDER

Appellant's request for a certificate of appealability is denied. See 28 U.S.C. § 2255 ¶ 1. Jurists of reason would not debate whether the District Court was correct in its procedural ruling. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). To the extent that a certificate of appealability is not required, Appellee's motion for summary affirmance is granted. See Braden v. 30th Jud. Cir. of Ky., 410 U.S. 484, 495 (1973); United States v. Eakman, 378 F.3d 294, 297 (3d Cir. 2004). Appellant's motions to stay the ruling on summary affirmance and for appointment of counsel are denied. Appellant's remaining motions are denied as moot.

A True Copy:


Marcia M. Waldron,
Clerk

By the Court,

/s/ Richard L. Nygaard
Circuit Judge

Dated: March 23, 2005
DMM/cc: Mr. Ronald Johnson
Rudolph Contreras, Esq.